IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MRS JUSTICE T.MEENA KUMARI
WRIT PETITION NO : 8776 of 1995

Between:
1 Besam Somulu s/o Mallaiah
r/o Qr no. c/3 NSP Camp Miryalaguda, Nalgonda District
2 B Prabhu Das s/o B Somulu
r/o Qr No. c/3 NSP Camp Miryalaguda Nalgonda District.

.... PETITIONERS

AND

1 Govt of A.P Secretary , Irrigaion Dept
Hyderabad
2 The District Collector
Nalgonda
3 Executive Engineer NSC, O&M Division,
Miryalguda, Nalgonda District.
4 Panchayat Raj Division
Miryalaguda Nalgonda District

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, particularly a writ in the nature of Mandamus, (i) declaring the in action of the respondents in not releasing the private patta land in Survey Nos. 48, 49, 50 and 51 to the extent of Ac.7.00 situated at Timmapur Village, Damarcherla Mandal, Nalgonda District as illegal and arbitrary and it violates Article 300-A, 31A(1) and 14 and 21 of the Constitution of India (ii) declaring the action of the respondents in taking possession of land without compensation to the petitioners to an extent of Ac.7.00 in SurveyNos.48, 49, 50 and 51 of Timmapur (v) as illegal and arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.N.ASHOKUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court made the following ORAL ORDER:

The present Writ Petition has been preferred by the petitioners seeking a writ of Mandamus declaring the in action of the respondents in not releasing the private patta land in Survey Nos. 48, 49, 50 and 51 to the extent of Ac.7.00 situate at Timmapur Village, Damarcherla Mandal, Nalgonda District and further declaring the action of the respondents in taking possession of land without compensation to the petitioners, as illegal, arbitrary and without jurisdiction.

2. In the affidavit filed in support of this writ petition, it is stated that the petitioner purchased the land in question from Ganda Ramaiah and Ganda Balaiah through a registered Sale Deed for a valuable consideration and since then, he is possession of the same by cultivating it. Subsequently, he formed a cross-bund to prevent soil erosion and also formed a small pond for storing water. While so, the third respondent, without the consent of the petitioner, developed a big kunta by laying a high bund in his land which resulted in submerging of about Ac.7-00 gts, thereby petitioner loosing lot of revenue. The petitioner made several representations to the respondents, but went in vain. The second respondent also directed the third respondent to conduct an enquiry and report the same. Accordingly, the Mandal Revenue Officer, Damarcherla conducted an enquiry and sent a report recommending for compensation to the submerged lands. As no action was taken by the respondents, the petitioner filed the present writ petition.

3. A counter-affidavit has been filed by the respondents denying the averments made in the writ petition.

4. Heard both sides.

5. It has been observed by the counsel appearing on behalf of the petitioner that on 05.09.1990 the Joint Collector sought a report from the Mandal Revenue Officer, Damercharla with regard to submerging of lands, who in turn vide proceedings dated 16.10.1990 submitted the report stating that the lands are in submerged and they are not fit for cultivation and the request made by the petitioner for payment of compensation is a genuine one. It is the grievance of the petitioner that the Collector has not taken any action on the report. In the counter affidavit it is stated that the petitioner has also made an application to the Government in the year 1995 and the same is still pending.

6. In the above circumstances, without going into the merits, the second respondent is directed to pass appropriate orders on the application made by the petitioner on 05.09.1990 and basing on the report of the Mandal Revenue officer dated 16.10.1990 as expeditiously as possible.

7. With the above observations, the Writ Petition is disposed of. No costs.

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09-09-2004

kvrm/tsy

To

1 The Secretary,Govt of A.P, Irrigaion Dept
Hyderabad
2 The District Collector, Nalgonda

3 Executive Engineer NSC, O&M Division,
Miryalguda, Nalgonda District.
4 Panchayat Raj Division
Miryalaguda Nalgonda District
5. 2 CC to GP for Revenue, High Court Buildings, Hyderabad (OUT)
6. 2 CD copies